



#16
PATENT 7-1689

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Scott Clare et al Docket No.: SC/C-I-P-4C
Serial No.: 09/083,422 Art Unit: 3615
Filed: May 22, 1998 Examiner: A. Pike
For: Hidden Storage for Vehicles

PETITION TO THE COMMISSIONER
UNDER 37 CFR 1.181

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby Petition the Commissioner to review objections raised by the Examiner in an Office Action mailed May 27, 1999 in the above identified application. It is submitted that the following objections raised by the Examiner are in direct contradiction to 37 CFR 1.84(p)(4) which states:

"The same part of an invention appearing in more than one view of the drawing must always be designated by the same reference character, and the same reference character must never be used to designate different parts."

1. Objections To The Specification:

a) On page 17 of the Office Action mailed May 27, 1999, the

Examiner objects to reference numerals 103 and 104 which reference the same parts in Figures 9, 10, 11 and 12, and contends that these reference numerals on Figures 10, 11 and 12 are incorrect and must be changed. This is in contradiction to 37 CFR 1.84(p)(4) quoted above.

b) On page 17 of the Office Action, the Examiner states: "The description of the alternate embodiment shown in Fig. 14 improperly includes reference numerals of a different embodiment." The reference numerals objected to are apparently all of the reference numerals since none of the reference numerals in Fig. 14 are the same as in Fig. 13 since they either contain a prime ("'") or different prime. Apparently the Examiner is contending that, for example, "120" in Fig. 13 cannot be shown as "120'" in Fig. 14.

c) On page 17 of the Office Action, the Examiner states: "The description of the alternative embodiment shown in Fig. 16 improperly includes reference numerals of a different embodiment." Here again the Examiner is apparently objecting to the use of primes on reference numerals in Fig 16 that appear on the same components in Fig. 15, such as 150-154 and 156. The primes were added to the same referenced components in Fig. 16 and in Fig. 15 because the same Examiner had objected to these same drawings in parent Application S.N. 08/910,516 and suggested the use of primes on these references. Shouldn't there be some consistency in the examination of applications by the same Examiner? Exactly how does the Examiner construe 37 CFR 1.84(p)(4) since the objections set forth relative to Figs. 14 and 16 appear to be in direct contradiction with the

objections set forth relative to Figs. 10-12, all of which appear in paragraph 21 (page 17) of the Office Action.

2. Objections To The Drawings:

a) On page 18, paragraph 23, of the Office Action mailed May 27, 1999, the Examiner objects to the same reference numerals 103 and 104 shown in Figures 9-12 and states that "103 and 104 in Fig. 10 should be 103' and 104', etc.", and then states: "The modification shown in Fig. 12 improperly includes reference numerals of other embodiments". These reference numerals identify the same part, and according to 37 CFR 1.84 (p) (4) the same part should bear the same reference numeral.

b) On page 18, paragraph 23, the Examiner objects to "Fig. 14" and "Fig. 16" as including "reference numerals of a different embodiment." Again, where the parts are the same in different figures, the reference numerals therefor should be the same according to 37 CFR 1.84(p) (4). Thus, the Examiner's objections are improper.

These same type of objections have been raised by the same Examiner in each of Applicants' applications examined by this Examiner. Prior Petitions have been filed but remain unanswered. These objections are not raised by three (3) other Examiners examining the Applicants' applications that contain the same drawings. Does not this clearly show that the Examiner in the instant application may be inconsistent with the established practice within the Office and raises objections that are inconsistent with each other and/or are in direct contradiction to 37 CFR 1.84(p) (4).

It is requested that a clear and consistent interpretation be applied relative to the requirements of 37 CFR 1.84(p)(4) since the continuous objections raised by this Examiner serve primarily to place an unnecessary burden on both the Office and the Applicants.

Date: 6-16-99

Respectfully submitted,

A handwritten signature in cursive script, reading "L. E. Carnahan".

L. E. Carnahan
Agent for Applicants
Reg. No. 20,555
Tel. No. (801) 731-5304